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**UTAH LABOR COMMISSION**

**JASON W. IVIE,**

**Petitioner,**

vs.

**FRANKLIN COVEY CO. and  
PHOENIX INSURANCE CO.,**

**Respondents.**

**ORDER AFFIRMING  
ALJ'S DECISION**

**Case No. 06-0517**

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Franklin Covey Co. ("Franklin") asks the Utah Labor Commission to review Administrative Law Judge Hann's award of benefits to Jason W. Ivie under the Utah Occupational Disease Act, Title 34A, Chapter 3, Utah Code Annotated.

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated § 63-46b-12 and § 34A-2-801(3).

**BACKGROUND AND ISSUES PRESENTED**

Mr. Ivie claims benefits for a repetitive right shoulder injury he developed from his work at Franklin. After an evidentiary hearing, Judge Hann awarded Mr. Ivie temporary total disability compensation beginning May 6, 2006, and continuing until he is medically stable.

In its motion for review, Franklin asserts that Mr. Ivie has found employment and therefore his temporary total disability benefits should be terminated.<sup>1</sup>

**FINDINGS OF FACT**

The Commission adopts Judge Hann's findings of facts.

**DISCUSSION AND CONCLUSION OF LAW**

Franklin asserts Mr. Ivie has found employment and his benefits should be terminated. However, other than claiming that Mr. Ivie returned to work by at least March of 2007, Franklin provides no verification that Mr. Ivie is working. Under these circumstances, the Commission will

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<sup>1</sup> Franklin correctly points out a typographical error in Judge Hann's findings of fact. However, this error is corrected elsewhere in the decision and does not affect Judge Hann's order. Franklin also asserts that Judge Hann's findings and conclusions are erroneous or inadequate, but Franklin fails to explain or substantiate its contentions. The Commission therefore finds it unnecessary to address these issues.

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not disturb Judge Hann's decision.

**ORDER**

The Commission affirms Judge Hann's decision. It is so ordered.

Dated this 4<sup>th</sup> day of March, 2008.

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Sherrie Hayashi  
Utah Labor Commissioner

**NOTICE OF APPEAL RIGHTS**

Any party may ask the Labor Commission to reconsider this Order. Any such request for reconsideration must be received by the Labor Commission within 20 days of the date of this order. Alternatively, any party may appeal this order to the Utah Court of Appeals by filing a petition for review with the court. Any such petition for review must be received by the court within 30 days of the date of this order.